



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2953**

Introduced 1/20/2006, by Sen. Susan Garrett - Kirk W. Dillard

**SYNOPSIS AS INTRODUCED:**

5 ILCS 430/20-50

Amends the State Officials and Employees Ethics Act. With respect to an executive branch State employee who is the subject of an Executive Inspector General's investigation and whose agency head or ultimate jurisdictional authority agrees with the Inspector General as to disciplinary action against the employee, establishes procedures for providing a redacted version of the Inspector General's summary investigation report to the Executive Ethics Commission, to the employee, and to the public, under certain circumstances.

LRB094 19180 JAM 54717 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning ethics.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Officials and Employees Ethics Act is  
5 amended by changing Section 20-50 as follows:

6 (5 ILCS 430/20-50)

7 Sec. 20-50. Investigation reports; complaint procedure.

8 (a) If an Executive Inspector General, upon the conclusion  
9 of an investigation, determines that reasonable cause exists to  
10 believe that a violation has occurred, then the Executive  
11 Inspector General shall issue a summary report of the  
12 investigation. The report shall be delivered to the appropriate  
13 ultimate jurisdictional authority and to the head of each State  
14 agency affected by or involved in the investigation, if  
15 appropriate. In the event that the head of the State agency or  
16 the ultimate jurisdictional authority agrees with the  
17 Executive Inspector General, on the basis of the investigation,  
18 to impose discipline of any kind on a State employee, including  
19 but not limited to reprimand, discharge, suspension, demotion,  
20 change in duties or job description, or denial of promotion or  
21 transfer, then within 30 days after that agreement the  
22 Executive Inspector General shall deliver to the Executive  
23 Ethics Commission the summary report of the investigation,  
24 provided that all confidential information has been redacted.  
25 Within 5 days, the Commission shall provide the State employee  
26 subject to the agreed discipline with the redacted report and  
27 allow the State employee 30 days in which to provide in writing  
28 any reason why the redacted report should not be released to  
29 the public. Within the same period, the Executive Inspector  
30 General who issued the report may also provide in writing a  
31 recommendation to the Commission about whether or not the  
32 redacted report should be released to the public. Within 21

1 days after the expiration of the 30-day period for response by  
2 the State employee and Executive Inspector General, the  
3 Commission shall either: (1) make a written finding that  
4 release of the redacted report is fair and in the public  
5 interest and release the report; or (2) make a written finding  
6 that release of the report is not fair, or not in the public  
7 interest, and return the redacted report to the Executive  
8 Inspector General. The Commission may also require further  
9 redactions prior to the release of the report or may delay its  
10 finding pending the conclusion of related judicial or  
11 administrative proceedings.

12 (b) The summary report of the investigation shall include  
13 the following:

14 (1) A description of any allegations or other  
15 information received by the Executive Inspector General  
16 pertinent to the investigation.

17 (2) A description of any alleged misconduct discovered  
18 in the course of the investigation.

19 (3) Recommendations for any corrective or disciplinary  
20 action to be taken in response to any alleged misconduct  
21 described in the report, including but not limited to  
22 discharge.

23 (4) Other information the Executive Inspector General  
24 deems relevant to the investigation or resulting  
25 recommendations.

26 (c) Not less than 30 days after delivery of the summary  
27 report of an investigation under subsection (a), if the  
28 Executive Inspector General desires to file a petition for  
29 leave to file a complaint, the Executive Inspector General  
30 shall notify the Commission and the Attorney General. If the  
31 Attorney General determines that reasonable cause exists to  
32 believe that a violation has occurred, then the Executive  
33 Inspector General, represented by the Attorney General, may  
34 file with the Executive Ethics Commission a petition for leave  
35 to file a complaint. The petition shall set forth the alleged  
36 violation and the grounds that exist to support the petition.

1 The petition for leave to file a complaint must be filed with  
2 the Commission within 18 months after the most recent act of  
3 the alleged violation or of a series of alleged violations  
4 except where there is reasonable cause to believe that  
5 fraudulent concealment has occurred. To constitute fraudulent  
6 concealment sufficient to toll this limitations period, there  
7 must be an affirmative act or representation calculated to  
8 prevent discovery of the fact that a violation has occurred. If  
9 a petition for leave to file a complaint is not filed with the  
10 Commission within 6 months after notice by the Inspector  
11 General to the Commission and the Attorney General, then the  
12 Commission may set a meeting of the Commission at which the  
13 Attorney General shall appear and provide a status report to  
14 the Commission.

15 (d) A copy of the petition must be served on all  
16 respondents named in the complaint and on each respondent's  
17 ultimate jurisdictional authority in the same manner as process  
18 is served under the Code of Civil Procedure.

19 (e) A respondent may file objections to the petition for  
20 leave to file a complaint within 30 days after notice of the  
21 petition has been served on the respondent.

22 (f) The Commission shall meet, either in person or by  
23 telephone, in a closed session to review the sufficiency of the  
24 complaint. If the Commission finds that complaint is  
25 sufficient, the Commission shall grant the petition for leave  
26 to file the complaint. The Commission shall issue notice to the  
27 Executive Inspector General and all respondents of the  
28 Commission's ruling on the sufficiency of the complaint. If the  
29 complaint is deemed to sufficiently allege a violation of this  
30 Act, then the Commission shall notify the parties and shall  
31 include a hearing date scheduled within 4 weeks after the date  
32 of the notice, unless all of the parties consent to a later  
33 date. If the complaint is deemed not to sufficiently allege a  
34 violation, then the Commission shall send by certified mail,  
35 return receipt requested, a notice to the parties of the  
36 decision to dismiss the complaint.

1 (g) On the scheduled date the Commission shall conduct a  
2 closed meeting, either in person or, if the parties consent, by  
3 telephone, on the complaint and allow all parties the  
4 opportunity to present testimony and evidence. All such  
5 proceedings shall be transcribed.

6 (h) Within an appropriate time limit set by rules of the  
7 Executive Ethics Commission, the Commission shall (i) dismiss  
8 the complaint or (ii) issue a recommendation of discipline to  
9 the respondent and the respondent's ultimate jurisdictional  
10 authority or impose an administrative fine upon the respondent,  
11 or both.

12 (i) The proceedings on any complaint filed with the  
13 Commission shall be conducted pursuant to rules promulgated by  
14 the Commission.

15 (j) The Commission may designate hearing officers to  
16 conduct proceedings as determined by rule of the Commission.

17 (k) In all proceedings before the Commission, the standard  
18 of proof is by a preponderance of the evidence.

19 (l) When the Inspector General concludes that there is  
20 insufficient evidence that a violation has occurred, the  
21 Inspector General shall close the investigation. At the request  
22 of the subject of the investigation, the Inspector General  
23 shall provide a written statement to the subject of the  
24 investigation and to the Commission of the Inspector General's  
25 decision to close the investigation. Closure by the Inspector  
26 General does not bar the Inspector General from resuming the  
27 investigation if circumstances warrant.

28 (Source: P.A. 93-617, eff. 12-9-03.)